

BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 2021-1-E

IN THE MATTER OF:

Annual Review of Base Rates  
for Fuel Costs of Duke Energy  
Progress, LLC

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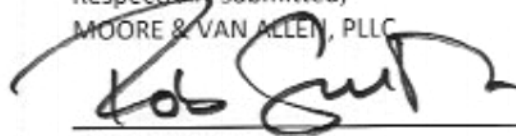
**MOTION FOR ADMISSION**  
*Pro Hac Vice*

Nucor Steel-South Carolina, a Division of Nucor Corporation, hereby moves the Public Service Commission of South Carolina ("Commission") to permit Michael K. Lavanga to practice *pro hac vice* before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Mr. Lavanga, together with counsel of record, has filed a *Verified Application for Admission Pro Hac Vice* with the South Carolina Supreme Court. Attached hereto are stamped copies of the Verified Application as filed with the Supreme Court.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Nucor requests this motion be granted.

Respectfully submitted,  
MOORE & VAN ALLEN, PLLC



Robert R. Smith, II

100 North Tryon Street  
Suite 4700  
Charlotte, NC 28202  
(704) 331-1000  
(704) 339-5870 Fax  
[robsmith@mvalaw.com](mailto:robsmith@mvalaw.com)

Counsel for Nucor Steel-South Carolina

Dated: March  2021

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**MOTION FOR ADMISSION**  
*Pro Hac Vice*

This is to certify that the foregoing document was served upon the following parties at the addresses set forth by first-class mail or electronic mail, on this the 22 day of March, 2021:

Andrew M. Bateman, Esq.  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
[abateman@ors.sc.gov](mailto:abateman@ors.sc.gov)

Heather Shirley Smith, Esq.  
Duke Energy Progress, LLC  
40 W. Broad Street, Suite 690  
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[Heather.smith@duke-energy.com](mailto:Heather.smith@duke-energy.com)

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South Carolina Department of  
Consumer Affairs  
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Robert R. Smith, II

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*  
IN THE STATE OF SOUTH CAROLINA**

IN THE MATTER OF:

Docket No. 2021-1-E

Annual Review of Base Rates for Fuel Costs  
of Duke Energy Progress, LLC

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr.  
Suite 100  
Columbia, SC 29210

Comes now Michael K. Lavanga, applicant herein, and respectfully represents the following:

1. Applicant resides at [REDACTED]  
telephone number [REDACTED]
  2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Stone Mattheis Xenopoulos & Brew, PC (formerly Brickfield, Burchette, Ritts & Stone, PC), with offices at 1025 Thomas Jefferson Street, NW, 8<sup>th</sup> Floor West, Washington, DC 20007; telephone 202-342-0800; cell phone number 202-701-9743; fax number 202-342-0807; email address mkl@smxblaw.com.
  3. Applicant has been retained personally or as a member of the above-named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above-named regulatory agency of the State of South Carolina.
  4. Since August of 2001, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.
  5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

<u>Court:</u>	<u>Date Admitted:</u>
Virginia	2000
- Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)
- Not applicable.
6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

8. Applicant never has had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked, except as provided below (give particulars, e.g., date, court, administrative body, date of suspension and reinstatement):

Not applicable.

9. Local counsel of record associated with applicant in this case is Robert R. Smith II, of the Moore & Van Allen, PLLC law firm, which has offices at: 100 North Tryon Street, Suite 4700, Charlotte, Mecklenburg County, NC 28202; telephone 704-331-1100; cell phone number 864-444-4470; fax number 704-331-1159; email address robsmith@mvalaw.com; South Carolina Bar Number 69592.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant filed an application to appear in the following proceedings before the South Carolina Public Service Commission:

Name:	Case No. 2019-225-E South Carolina Energy Freedom Act (House Bill 3659) Proceeding Related to S.C. Code Ann. Section 58-37-40 and Integrated Resource Plans for Duke Energy Progress, LLC
Status:	On-going
Application:	October 27, 2020 Granted November 18, 2020 by Commission Order
Local Counsel:	Robert R. Smith, II
Name:	Case No. 2020-1-E Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC
Status:	Approved by Commission
Application:	March 6, 2020 Granted March 25, 2020 by Commission Order
Local Counsel:	Robert R. Smith, II
Name:	Case No. 2019-1-E Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC
Status:	Approved by Commission
Application:	March 22, 2019 Granted April 17, 2019 by Commission Order
Local Counsel:	Robert R. Smith, II

Name: Case No. 2018-318-E  
Application of Duke Energy Progress, LLC for Adjustments in Electric Rate Schedules and Tariffs and Request for an Accounting Order  
Status: On-going  
Application: December 17, 2018  
Granted January 9, 2019 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2018-1-E  
Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC  
Status: Approved by Commission  
Application: March 21, 2018  
Granted April 4, 2018 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2017-245-E  
Application of Duke Energy Progress, LLC for Approval of Rider 9, Demand-Side Management and Energy Efficiency  
Status: Granted  
Application: September 15, 2017  
Granted September 27, 2017 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2017-1-E  
Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC  
Status: Settlement Approved by Commission  
Application: March 23, 2017  
Granted April 5, 2017 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2016-8-E  
Duke Energy Progress, LLC's Integrated Resource Plan (IRP)  
Status: On-going  
Application: November 30, 2016  
Granted December 15, 2016 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2016-289-E  
Application of Duke Energy Progress, LLC for Approval of Rider 8, Demand-Side and Energy Management Efficiency for 2017  
Status: Granted  
Application: September 14, 2016  
Granted September 28, 2016 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2016-227-E  
Application of Duke Energy Progress, LLC for Authority to Adjust and Increase Its Electric Rates and Charges  
Status: Settlement Approved by Commission

Application: July 27, 2016  
Granted August 10, 2016 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2016-1-E  
Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC  
Status: Settlement Approved by Commission  
Application: March 4, 2016  
Granted March 23, 2016 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2015-8-E  
Duke Energy Progress, LLC's Integrated Resource Plan (IRP)  
Status: On-going  
Application: November 25, 2015  
Granted November 5, 2015 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2015-323-E  
Application of Duke Energy Progress, LLC for Approval of Rider DSM/EE-7  
Status: Granted  
Application: Filed October 7, 2015  
Granted December 16, 2015 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2015-163-E  
Application of Duke Energy Progress, LLC to Establish a New Cost Recovery and Incentive Mechanism for Demand-Side Management and Energy Efficiency Programs  
Status: Granted  
Application: Filed June 26, 2015  
Granted July 22, 2015 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2015-53-E  
Application of Duke Energy Progress, Incorporated to Establish a Distributed Energy Resource Program  
Status: Settlement Approved by Commission  
Application: Filed March 16, 2015  
Granted April 1, 2015 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2015-1-E  
Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC  
Status: Settlement Approved by Commission  
Application: Filed January 30, 2015  
Granted February 25, 2015 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2014-8-E  
Duke Progress Energy, Inc.'s Integrated Resource Plan (IRP)  
Status: On-going

Application: Filed November 24, 2014  
Granted December 17, 2014 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2014-246-E  
Petition of the Office of Regulatory Staff to Establish Generic  
Proceeding Pursuant to the Distributed Energy Resource  
Program Act, Act No. 236 of 2014, Ratification No. 241, Senate  
Bill No. 1189  
Status: Settlement Approved by Commission  
Application: Filed July 22, 2014  
Granted July 30, 2014 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2014-1-E  
Annual Review of Base Rates for Fuel Costs of Duke Energy  
Progress, Inc.  
Status: Settlement Approved by Commission  
Application: Filed February 18, 2014  
Granted March 12, 2014 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2013-8-E  
Duke Energy Progress, Inc.'s Integrated Resource Plan (IRP)  
Status: On-going  
Application: Filed November 27, 2013  
Granted December 18, 2013 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2013-1-E  
Annual Review of Base Rates for Fuel Costs of Duke Energy  
Progress, Inc.  
Status: Settlement Approved by Commission  
Application: Filed March 19, 2013  
Granted March 27, 2013 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2012-8-E  
Progress Energy Carolinas, Inc.'s Integrated Resource Plan  
(IRP)  
Status: On-going  
Application: Filed December 19, 2012  
Granted January 9, 2013 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2012-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
Application: Filed March 21, 2012  
Granted April 11, 2012 by Commission Order  
Local Counsel: Robert R. Smith, II



Name: Case No. 2011-158-E  
Application Regarding the Acquisition of Progress Energy  
Incorporated by Duke Energy Corporation and Merger of  
Progress Energy Carolinas, Incorporated and Duke Energy  
Corporation, LLC  
Status: On-going  
Application: Filed June 22, 2011  
Granted July 13, 2011 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2011-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Settlement Approved by Commission  
Status: Filed March 21, 2011  
Application: Granted March 30, 2011 by Commission Order  
Local Counsel: Robert R. Smith, II

Name: Case No. 2010-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Settlement Approved by Commission  
Status: Filed March 24, 2010  
Application: Granted April 14, 2010 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2008-447-EG  
Petition of the Office of Regulatory Staff to Establish Docket to  
Consider Implementing the Requirements of Section 1307  
(State Consideration of Smart Grid) and Section 532 (Energy  
Efficiency Programs) of the Energy Independence and Security  
Act of 2007  
Status: Stipulation Adopted  
Application: Filed April 30, 2009  
Granted May 13, 2009 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2009-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Settlement Approved by Commission  
Status: Filed March 12, 2009  
Application: Granted March 25, 2008 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2008-251-E  
Application of Carolina Power and Light Company d/b/a  
Progress Energy Carolinas, Incorporated for the Establishment  
of Procedures for DSM/EE Programs  
Status: Settlement Approved by Commission  
Application: Filed July 22, 2008  
Granted August 14, 2008 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2008-1-E  
 Carolina Power & Light Company d/b/a Progress Energy  
 Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
 Status: Settlement Approved by Commission  
 Application: Filed March 26, 2008  
 Granted April 15, 2008 by Commission Order  
 Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2007-1-E  
 Carolina Power & Light Company d/b/a Progress Energy  
 Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
 Status: Settlement Approved by Commission  
 Application: Filed February 8, 2007  
 Granted March 2, 2007 by Commission Order  
 Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named regulatory agency for this case only.

DATED this 18 day of March, 2021.

  
 APPLICANT

#### VERIFICATION

DISTRICT OF COLUMBIA )

I, Michael K. Lavanga, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the regulatory agency has ruled on the motion for admission *pro hac vice*. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear *pro hac vice* in the action or proceeding. Any updated information shall be provided to both the regulatory agency that granted the motion and to the regulatory agency in which the action or proceeding may then be pending.

  
 APPLICANT/AFFIANT

Subscribed and sworn to before me this 18<sup>th</sup> day of March, 2021.

Pamela H. Miles

Notary Public for the District of Columbia

My Commission Expires: April 14, 2022

PAMELA G. GROSS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires April 14, 2022



**LOCAL COUNSEL CONSENT**

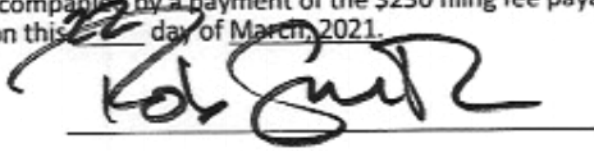
I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 22 day of March, 2021.

[Signature]  
LOCAL COUNSEL OF RECORD

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by a payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 22 day of March, 2021.

  
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On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,  
the District of Columbia Bar does hereby certify that

*Michael K Lavanga*

was duly qualified and admitted on August 6, 2001 as an attorney and counselor entitled to  
practice before this Court; and is, on the date indicated below, a(n)  
ACTIVE member in good standing of this Bar.

In Testimony Whereof,  
I have hereunto subscribed my  
name and affixed the seal of this  
Court at the City of  
Washington, D.C., on March  
16, 2021.

*Julio A. Castillo*

JULIO A. CASTILLO  
Clerk of the Court

Issued By:   
District of Columbia Bar Membership

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email  
[memberservices@dcbar.org](mailto:memberservices@dcbar.org).